Ja	y Yerges			
1	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN	1		Said JAY YERGES, having been first
2		2		duly sworn by me to testify the truth, the
3	RONALD G. WOLFF, JR., and	3		whole truth, and nothing but the truth
4	KARRI E. WOLFF,	4		relative to said cause, in answer to oral
5	Plaintiffs, Case No. 22-cv-177-wmc	5		interrogatories, deposed and made answer as
	VS.	6		follows:
6	ADMINISTRATOR TINA RENEE VIRGIL,	7		
7	in her official capacity, and SPECIAL AGENT JAY YERGES, in his	8		(The examination began at 10:10 a.m.
8	personal and official capacity,	9		on June 30, 2023.)
9	Defendants.	10		
10		11		EXAMINATION
10		12		MR. OLSEN:
11	DEPOSITION OF JAY YERGES	13	Q	Special Agent Yerges, thanks for being here
12		14		today. You understand we're here to talk
13 14	Deposition of JAY YERGES, taken before	15		about a case involving a search that took
15 16	me via videoconference, on the 30th day of June,	16		place on March 22nd of 2022, correct?
17	2023, A.D., otherwise than as a witness on the trial, in a certain action now pending in United	17		Yes.
18 19	States District Court for the Western District of Wisconsin, wherein the parties thereto are as set	18	Q	You've been deposed many times before,
20	forth above.	19		correct, I'm sure?
21		20	A	Deposed, not many times but deposed.
22		21	Q	Okay. The basic premise is that I'll ask
		22		questions. Your attorney may object. If
23		23		you don't understand something I'm asking,
24		24		please ask for clarification because
25	Jessica Koepsell, RPR, CRR	25		otherwise later on we might have a problem
1	APPEARANCES	_		3
		1		because you would have responded to
2	APEX ACCIDENT ATTORNEYS, LLC, of Oshkosh, Wisconsin; MR. GEORGE W. CURTIS of	2		something in a way that you didn't
3	that firm appeared via videoconference on behalf of the Plaintiffs.	3	^	understand. Is that fair enough? Fair.
4		5	A Q	First, I would like to ask you about the
5	EMINENT DOMAIN SERVICES, LLC, of Madison, Wisconsin; MR. ERIK OLSEN of that	6	u	·
0	firm appeared via videoconference on behalf	7		pre-search meeting that was held at the Appleton field office on March 22nd of 2022.
6	of the Plaintiffs.	_		Do you remember that meeting?
7	STATE OF WISCONSIN, DEPARTMENT OF JUSTICE, of Madison, Wisconsin;	8	Α	Yes.
8	MS. GESINA S. CARSON of that firm appeared	10	Q	Who was in charge of that meeting?
9	via videoconference on behalf of the Defendants.	11	Q A	I was.
10		12	Q	What documents were given out to the
11		13	u.	participants of that meeting, if any?
12		14	Α	A copy of the search warrant was made
	INDEX TO EXHIBITS	15		available to all attendees along with the
13	EXHIBIT NUMBER PAGE MARKED	16		operational plan.
14		17	Q	How many attendees were at the meeting that
15	(None Marked.)	18	~	took place on the morning of March 22, 2022?
16	•	19	Α	At least 24.
		20	Q	Who made copies of the search warrant?
17		21	A	I did.
		22	Q	How many copies did you make?
18 19			•	many copies and you make:
18			Α	I don't know an exact number
18 19 20 21 22		23	A Q	I don't know an exact number. Did you make enough copies that you intended
18 19 20 21				I don't know an exact number. Did you make enough copies that you intended at least to give one copy to each participant

	^ y	i di gos			
1		at the meeting, or did you make a number of	1		specifically asked questions of you at the
2		copies so that people who were interested in	2		pre-op meeting?
3		having a copy could take one?	3	Α	Correct.
4	Α	Correct. I made, as I recall, at least ten	4	Q	In order to facilitate things and I think
5		copies of the search warrant, had it	5		this is clear. When I say pre-op meeting, I
6		circulated around the room so that everyone	6		mean the meeting that occurred in the
7		could inspect it, read it, and ask questions	7		morning of March 22, 2022, before the search
8		as they saw fit. And then I made certain	8		of the Wolff premises that we're referring
9		that my team leads at each of three search	9		to here.
10		warrant locations could have a copy so that	10	Α	Yes.
11		it could be executed or provided to the	11	Q	Okay. So when I say pre-op meeting, we mean
12		premises or any individual.	12		that meeting. I won't go giving this long
13	Q	What is the name of that meeting? I've	13		explanation every time, fair?
14		heard two names, a pre-search instruction	14	Α	Sure, fair.
15		meeting, and I think someone else said an	15	Q	And at the pre-op meeting, was that when you
16		operational meeting maybe.	16		assigned the team leads?
17	Α	Yeah, it's a pre-op meeting.	17	Α	I announced who the team leads were. I had
18	Q	A pre-op meeting, okay. So if I understand	18		discussions with the team leads prior to the
19		you correctly, at least you made at least	19		pre-op meeting to make certain that their
20		ten copies of the search warrant that you	20		schedules were available and that they were
21		had with you at the pre-op meeting, and you	21		agreeable to their roles.
22		circulated those copies of the search	22	Q	Who were the team leads that you just
23		warrant to everybody who was present there	23		discussed that were announced at the pre-op
24		so that they could ask questions and read	24		meeting?
25		it?	25	Α	Special Agent Matthew Anderson was for
		5			7
1	Α	And inspect the warrant, yes, so that they	1		Lakeshore Cleaners address. Special Agent
2		were comfortable, yes.	2		Ryan Windorff was for the investment
3	Q	What questions, if any, did any of the	3		property at 4801 North Richmond, and Special
4		participants at the pre-op meeting ask about	4		Agent Eric Beine was for the Nichols
5		what was to be searched ask about	5		homestead residence.
6		anything really? What questions did they	6	Q	I think we don't have more than one person
7		ask?	7		with each last name. So if I just refer to
8	Α	I don't remember.	8		them by agent and then their last name,
9		MS. CARSON: Object as to form.	9		you'll know who I'm talking about, right?
10		Vague. Go ahead and answer.	10	Α	Yes, sir.
11		THE WITNESS: I don't recall the	11	Q	Okay. When did you first talk with Agent
12		questions. There were questions. I did	12		Anderson about his assignment in relation to
13		clarify questions. I can't recall what they	13		this case?
14		were and from who they were from.	14	Α	I would have no idea. Days, maybe even
15	BY	MR. OLSEN:	15		weeks prior to the pre-op meeting.
16	Q	Okay. Do you remember if anybody spoke	16	Q	When did you first show Agent Anderson a
17		so in your recollection, some people asked	17		copy of the search warrant that's at issue
18		questions of you at the pre-op meeting about	18		in this case?
19		something?	19	Α	On the morning of the pre-op meeting.
20	Α	Yes.	20	Q	Before the pre-op meeting started or at the
21	Q	Okay. Do you remember what the subject	21		time that the pre-op meeting started?
		matter of the questions that were asked of	22	Α	During the meeting when I passed it around
22			23		to all parties.
22 23		you at the pre-op meeting was?	23		to all parties.
	A	you at the pre-op meeting was? No.	24	Q	Would that be the same answer as to Agent
23	A Q			Q	
23 24	_	No.	24	Q	Would that be the same answer as to Agent

2 Q Did the meetings did the pre-op meeting start at around 7 o'clock a.m.? 2 3 as you were giving them at the pre-op meeting end? 6 A Approximately one hour later. 7 6 A Approximately one hour later. 7 7 What did you understand would be searched 8 for at the Wolff premises pursuant to the 9 affidavit that's at issue in this matter on 10 March 22, 2022? 11 A I'm confused by your question because you 12 just asked something about the affidavit, 2 and then I think the search warrant is 14 referenced as well. So which document are 15 we talking about? Those are two separate 16 legal documents. 16 (Requested portion read by reporter.) 17 (Requested portion read by reporter.) 18 (Requested portion read by reporter.) 20 MR. OLSEN: Could you read the 18 question back? 19 (Requested portion read by reporter.) 20 MR. OLSEN: I misspoke. I'm sorry. 21 BY NR. OLSEN: I misspoke. I'm sorry. 22 grant and with an affidavit that supported 22 grant and with an affidavit that supported 3 MS. CARSON: Object as to form. 4 Compound and vague. Go ahead and answer. 5 THE WITHESS: Primarily 6 communications between any fellow town board 7 members, employees, or entities that were 8 involved with quotes and contracts and any 2 camparign-related documentation. 29 Warson with a 19 Pay NR. OLSEN: 10 Depoin the pre-op meeting end? 19 Communications between any fellow town board 7 members, employees, or entities that were 8 involved with quotes and contracts and any 2 camparign-related documentation. 19 Pay NR. OLSEN: 10 Depoin the pre-op meeting end? 19 Communications between any fellow town board 7 members, employees, or entities that were 19 Communications related to the time after 19 Communications between any fellow town board 19 Communications between 19 Communications between 19 Communications be		<u> </u>	101 903			
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4 A That's accurate. 5 Q Around what time did the pre-op meeting end? 6 A Approximately one hour later. 7 Q What did you understand would be searched 8 for at the Wolff premises pursuant to the 9 affidavit that's at issue in this matter on 10 March 22, 2022? 11 A I'm confused by your question because you 12 just asked something about the affidavit, 13 and then I think the search warrant is 14 referenced as well. So which document are 15 we talking about? Those are two separate 16 legal documents. 16 legal documents. 17 NR. OLSEN: Could you read the 18 question back? 19 (Requested portion read by reporter.) 19 (Requested portion read by reporter.) 20 MR. OLSEN: I misspoke. I'm sorry. 21 BY MR. OLSEN: 22 Q What did you understand would be searched 23 for at the Wolff premises pursuant to the 24 legal authority that you obtained with a 25 warrant and with an affidavit that supported 26 members, employees, or entities that were 27 involved with quotes and contracts and any 28 campaign-related documentation. 29 Communications related to political 29 campaign-related documentation. 20 BY MR. OLSEN: 21 BY NR. OLSEN: 22 2022? 3 MS. CARSON: Object as to form. 3 Conpound and vague. Go ahead and answer. 4 The WITNESS: Primarily 5 Communications between any fellow town board 5 members, employees, or entities that were 6 involved with quotes and contracts and any 9 campaign-related documentation. 10 BY MR. OLSEN: 11 Q Do you remember, as we sit here today, what 12 instructions you gave to the participants at 12 the pre-op meeting as far as what they were 14 searching for? 15 A Those same articles, so the all 16 electronic any electronic communications, enhaled to the time after 17 MR. OLSEN: 18 In involved with quotes and contracts and any 19 communications from the point he took office, correct? 29 And then I believe 20 (And then I believe 21 And then I believe 22 And then I believe 23 And then I believe 24 And then I believe 25 And then I believe 26 And then I believe 27 And then I believe	2	Q	Did the meetings did the pre-op meeting	2		sit here today, to the instructions you gave
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	20		•	20		
	21		distinct time frame. So if anything was	21	Q	Okay. Now, those could be paper documents
22 outside of that time frame, I explicitly 22 or electronic records, correct?	22		outside of that time frame, I explicitly	22		or electronic records, correct?
23 said we were not interested and that was not 23 A Correct.	23		said we were not interested and that was not	23	Α	Correct.
24 relevant to the warrant. 24 Q When people asked questions at the pre-	24		relevant to the warrant.	24	Q	When people asked questions at the pre-op
25 Q Has the explanation you just gave right now, 25 meeting, did they ask questions, if you	25	Q	Has the explanation you just gave right now,	25		meeting, did they ask questions, if you
10			10			12

Ja	. ,	rerges			
1		remember, about what specifically they were	1		that business that were searched.
2		to search for at the Wolff premises on	2	BY	MR. OLSEN:
3		March 22, 2022?	3	Q	So if I understand your answer correctly
4	Α	Again, I don't specify I don't recall	4		and correct me if I'm wrong it was
5		what their specific questions were. I	5		Special Agent Anderson and the search team
6		answered all questions, and I personally	6		under him that searched all the parts of the
7		professionally specified the documents that	7		Lakeshore Cleaners business that could have
8		were sought under the search warrant.	8		contained records of the type that you
9	Q	Who wrote the is it the operation plan or	9		earlier described as being the target of
10		the operational plan? How is that said?	10		this search? Would you call those records
11	Α	The operation plan. I drafted that.	11		the target?
12	Q	Did the operation plan specify exactly what	12	Α	Focus.
13		was to be searched for, or was it your	13	Q	The focus?
14		verbal instructions that specified exactly	14	Α	Yes, yes.
15		what was to be searched for at the Wolff	15	Q	And it was Special Agent Anderson and his
16		premises on March 22, 2022?	16	_	team's job to search all the areas of that
17	Α	The search warrant specified the search	17		Lakeshore Cleaners business that could have
18	, \	materials. The operation plan is a	18		contained the records that were the focus of
19		synopsis, a picture and time of the ongoing	19		the 3/22/22 search and no other areas,
20		case and the operation that would be	20		correct?
		executed, background information.		۸	Yes.
21	0		21	Α	
22	Q	Okay. So when Officer Anderson I'm	22	Q	And Special Agent Anderson and his team made
23		sorry, Agent Special Agent Anderson,	23		a best effort to determine what were the
24		right?	24		boundaries of the Lakeshore Cleaners
25	Α	Yes, sir.	25		business and not to search any records of
		13			15
1					
	Q	When Special Agent Anderson searched the	1		another business that was present on the
2	u	business premises, he would have known,	2		premises, fair?
	Ų	business premises, he would have known, based on your verbal instructions, exactly		Α	premises, fair? I believe that's accurate, yes.
2 3 4	u	business premises, he would have known,	2 3 4	A Q	premises, fair? I believe that's accurate, yes. Special Agent Anderson was responsible for
2	Q A	business premises, he would have known, based on your verbal instructions, exactly what he was looking for, correct? Yes. And I was even at that premises while	2 3 4 5		premises, fair? I believe that's accurate, yes. Special Agent Anderson was responsible for executing the task that I just described,
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2 3 4 5 6		business premises, he would have known, based on your verbal instructions, exactly what he was looking for, correct? Yes. And I was even at that premises while Agent Anderson executed the warrant, so I	2 3 4 5 6		premises, fair? I believe that's accurate, yes. Special Agent Anderson was responsible for executing the task that I just described, but he would ask you if he had any
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_ Ja	y I	rei ges			
1		searching. He was responsible for the	1		do you remember?
2		overall documentation, photographing, all	2	Α	I don't recall the fire number.
3		formal documentation and briefing.	3	Q	Okay. At any rate, there was the warrant
4	Q	Would Special Agent Windorff have been	4		also referenced the search of the house in
5		responsible for using his professional	5		Nichols, correct?
6		training to execute the instructions that	6	Α	Yes.
7		you gave at 4801 North Richmond on 3/22/22?	7	Q	And that house was could you help me with
8	Α	Yes.	8		the pronunciation of that agent's name
9	Q	What questions, if any, did you receive from	9		again?
10		Special Agent Windorff during the execution	10	Α	Beine.
11		of the search warrant on 3/22/22 that you	11	Q	Beine.
12		remember here today?	12	Α	Special Agent Eric Beine.
13	Α	I don't recall any follow-up.	13	Q	Okay. So Special Agent Eric Beine was in
14	Q	You were here earlier for Special Agent	14		charge of the search at Nichols, correct?
15	_	Windorff's deposition, correct?	15	Α	He was the team lead.
16	Α	Yes.	16	Q	Okay. He was the team lead of the group of
17	Q	Special Agent Windorff explained that there	17	•	DCI personnel who searched at Nichols,
18	u.	were three rooms at 4801 North Richmond	18		correct?
19		Avenue property, two of which appeared,	19	Α	Yes.
			20	Q	Did Eric Beine and his team search all the
20		based on his analysis of the situation, to		u	
21		be the rooms of Herbert Wolff and a gentleman	21		areas at the Nichols' property that could
22	^	by the last name of Clark, correct?	22		have contained records of the type that
23	A	That was his testimony.	23		you've just described as being the focus of
24	Q	Right. And those rooms were searched,	24		the search?
25		correct?	25	Α	I believe so.
		17			19
1	Α	I believe all rooms were searched.	1	Q	That would have been their job, correct?
2	Q	So unlike the search at the Lakeshore	2	Α	Yes.
3		business premises, which was limited to the	3	Q	You never provided copies of the affidavit
4		portion of the business the portion of	4		upon which the search warrant was at
5		the premises and the area search that were	5		issue in this case was based to any of the
6		within the boundaries as your team could	6		personnel who participated in the search on
7		ascertain them of the Lakeshore Cleaners	7		March 22, 2022, prior to that date or on
8		businesses, the search at 4801 North	8		that date, correct?
9		Richmond also searched the room of Herbert	9	Α	Never.
10		Wolff, correct?	10	Q	What crimes did you understand you and your
11	Α	Yes. I don't know whose rooms I need to	11		personnel were searching for evidence of on
12		clarify. I don't know whose rooms were	12		March 22, '22, at the Wolff premises?
13		whose. But all rooms were searched, all	13	Α	Misconduct in public office, a contract
14		vehicles were searched, all buildings were	14		violation, open meeting violations, walking
15		searched in accordance with the warrant.	15		quorums, false swearing, and if there was
16	Q	So your understanding did you personally	16		proof of residency violation, that would
17		go to 4801 North Richmond on the day of the	17		have expanded or included voting violations.
18		search?	18	Q	Have you ever executed a search warrant,
19	Α	No.	19		other than the search warrant on March 22,
20	Q	And I should have said not go to. I should	20		'22, that was related to the residency or
21		have said did you go into. You didn't go	21		the claimed residency of an elected
22		inside of 4801 North Richmond on the day of	22		official?
23		the search or any other day, correct?	23	Α	The search warrant was primarily for
	Α	I did not.	24		misconduct in public office. That was the
24			ı		
25	Q	As far as Nichols, what's the address there.	25		basis and foundation of the warrant.
	Q	As far as Nichols, what's the address there,	25		basis and foundation of the warrant. 20

1 0 So the basis and the foundation of the 2 warrant was not related to residency? 3 A Not primarily. Because when you execute a 4 search warrant it is automatic that we 5 establish or determine residency when you 6 execute a search warrant. So any time 7 there's an execution of a search warrant was not related in the search warrant was not related in the general execution of a search warrant that out does banking documents. It is very common. In 10 every single search warrant tank l've ever done, hundreds of search warrants, you 11 every single search warrant tank l've ever done, hundreds of search warrants, you 12 always try to establish a residency, who is 13 Q okay. Are there and who comes and goes. 13 who is responsible for living there. 14 could be banking documents. It could be feat adocuments that show residence. It could be 12 tax documents. It could be mail documents. It could be banking documents. It could be banking documents. It could be banking documents. It could be 12 tax documents. It could be banking documents. It could be banking documents. It could be 12 tax documents. It could be mail documents. It could be 12 tax documents. It could be 13 tax because we warrant. 12 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would include any record with the name and I 2 would know, our re		ay '	rerges			
A Not primarily. Because when you execute a search warrant, it is automatic that we establish or determine residency when you of the review are compassing to the person of the search warrant. So any time the search warrant in the warrant. The search warrant is automatic that we always try to gain proof, physical or any other proof, of whose residence that is. It is not unusual — it is very common. In the every single search warrant, you always try to establish a residency, who is done, hundreds of search warrants, you always try to establish a residency, who is the very common in the compassing to the primary between the country of the primary basis of the person in the search primary basis or primary basis of the warrant. But say you have, you know, a building, and it has multiple units. You know, wou're looking for you know, you know, you're looking for proof of things as to who occupies or controls those spaces because we the words primary basis or friend the words primary b	1	Q	So the basis and the foundation of the	1		establish that.
search warrant, it is automatic that we stabilish or determine residency when you execute a search warrant. So any time there's an execution of a search warrant, we always try to gain proof, physical or any other proof, of whose residence that is, It is not unusual it is very common. In the every single search warrants, you always try to gain before your investigation here. Okay? The misconduct in public office statute itself I am not talking about your theories or your investigation here. Which I understand you are the words of search warrants, you always try to establish a residency, who is a laways try to establish a residency, who is who's responsible for living there. So lots of times you will search for documents, it could be documents that show residence. It could be tax documents. It could be tax documents. It could be bealthcare records. It could be mail documents. It could be ledgers. It can be anything to determine who is in control of a residence. So that's 22 ledgers. It can be anything to determine who is in control of a residence. So that's 23 search warrant. 21 Q So the general execution of a search warrant would include any record with the name and I suppose address of the person in the search premises? 1 Q So the general execution of a search warrant would include any record with the name and I suppose address of the person in the search premises? 2 Yes. And even more specific if you can this is outside this warrant. But say you have, you know, unit A or No. 1, or you're looking for proof of things as to who couples or controls those spaces because we the words primary basis or primary I don't remember. You said the primary basis or fine warrant to southing his that? 10 I think I got that the basis did you use the words primary basis or primary I don't remember. You said the primary basis or the warrant to something like that? 10 Ayah, the focus of the warrant to something like that? 11 Ayah, the focus of the warrant to something like that? 12 Ayah, the focus of the warr	2		warrant was not related to residency?	2	Q	So
sestablish or determine residency when you execute a search warrant. So any time of there's an execution of a search warrant, we always try to gain proof, physical or any other proof, of whose residence that is. It is not unusual it is very common. In every single search warrant that I've ever done, hundreds of search warrants, you always try to establish a residency, who is always try to establish a residency, who is who's responsible for living there. So lots of times you will search for documents, mail articles, any sort of documents, mail articles, any sort of toouments, mail articles, any sort of documents, mail articles, any sort of toouments, mail articles, any sort of documents, mail articles, any sort of toouments, mail articles, any sort of toouth to be anking documents. It could be hanking documents. It could be toouthed to be anking documents. It could be toouthed to toouth to be banking documents. It could be toouthed to toouth to be anking documents. It could be toouthed to toouth to toout	3	Α	Not primarily. Because when you execute a	3	Α	In the warrant. I want to be clear, in the
execute a search warrant. So any time 1 always try to gain proof, physical or any 2 other proof, of whose residence that is. It 2 is not unusual it is svery common. In 3 every single search warrant that I've ever 4 done, hundreds of search warrants, you 3 always try to establish a residency, who is 4 who lives there and who comes and goes, 5 who's responsible for living there. 5 So lots of times you will search for 5 documents, and I articles, any sort of 5 documents, and I articles, any sort of 6 documents, and I articles, any sort of 7 records. It could be healthcare 1 records. It could be healthcare 2 records. It could be healthcare 3 who is in control of a residence. So that's 4 included in the general execution of a search warrant 5 search warrant. 5 search warrant 6 investigation here. Okay? The misconduct in 9 point is abload your theories or your 10 in public office statute itself I am not 11 every single search warrant that I've ever 12 done, hundreds of search warrant, such is in could be 13 documents, all articles, any sort of 14 documents, all articles, any sort of 15 documents, all articles, any sort of 16 documents, all articles, any sort of 17 documents, all articles, any sort of 18 documents, all articles, any sort of 19 documents, all articles, any sort of 10 records. It could be healthcare 21 records. It could be bealthcare 22 ledgers. It can be anything to determine 23 who is in control of a residence. So that's 24 search warrant 25 who's responsible the words or investigation here, which I understand to 10 So the general execution of a search 11 public office that was present at the for 12 hard for the was present at the for 13 suppose address of the person in the search 24 records. It could be determine 25 who is in control of a residence. So that's 26 search warrant 27 vest. And warrant 28 who is in control of a search warrant 29 very marker. 20 Nothing for proof of things as to who 20 couples or controls those spaces because	4		search warrant, it is automatic that we	4		warrant.
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	rerges	1		
1	for those articles.	1		for on you and the team of special agents
2 Q	Okay.	2		that you've described, what would be
3 A	So we don't know, for instance, what an	3		evidence of an open meeting violation that
4	underwear drawer is. We have no idea. We	4		you were looking for on March 22, 2022?
5	don't know which one is the silverware	5	Α	Mr. Wolff communicating with at least two
6	drawer. We don't you know, I mean, we've	6		other seated board members about the
7	found things in coffee grounds. So we in	7		township business.
8	an abundance of thoroughness, we look	8	Q	0kay.
9	through everything.	9	Α	Anything related to decision-making things
10 Q	Okay. So in order to properly execute these	10		or township business.
11	this warrant on March 22, 2022, the	11	Q	Okay. And so, again, that would be any type
12	agents and their teams had to search every	12		of electronic records, any type of paper
13	place where there could be on SD card, a	13		records, I suppose plausibly recordings, if
14	thumb drive, a paper, or any of the other	14		they existed?
15	types of records that you've described as	15	Α	There are recordings of meetings, so, yeah,
16	being the focus of this search, correct?	16	,,	that was fair. That was fair.
17 A	Yes.	17	Q	All right. The voting violations would be
18 Q	The agents and the team leads had some	18	u	related to residency, correct, or are you
19	discretion to not search areas that for	19		saying voting on the town board or voted in
		20		an election?
20	whatever reason they felt would not be	21	^	
21	fruitful, fair?		Α	That's two parts. I mean Mr. Wolff could
22 A	Yes.	22		have performed votes that were in favor of
23 Q	As far as contract violations, what do you	23		his personal professional business, and then
24	mean by that?	24		if indeed he didn't reside where he said he
25 A	That term is used interchangeably in the	25		did, you know, and/or Mrs. Wolff, then those
	25			27
1	criminal investigation, and there were	1		were germane to my local investigation.
2				T think T caked you if you had ayou dans
	allegations that while Mr. Wolff was seated	2	Q	I think I asked you if you had ever done
3	in his position, that was part of the	3	Ų	other searches in relation to politicians
	in his position, that was part of the misconduct, that he performed services		Ų	other searches in relation to politicians who are accused of not living in the
3	in his position, that was part of the	3	u	other searches in relation to politicians who are accused of not living in the district. And then it the questions took
3 4	in his position, that was part of the misconduct, that he performed services	3 4	u	other searches in relation to politicians who are accused of not living in the
3 4 5	in his position, that was part of the misconduct, that he performed services outside of his authority or right in	3 4 5	Ų	other searches in relation to politicians who are accused of not living in the district. And then it the questions took
3 4 5 6	in his position, that was part of the misconduct, that he performed services outside of his authority or right in accordance with law.	3 4 5 6	A	other searches in relation to politicians who are accused of not living in the district. And then it the questions took a little bit of a turn towards that that
3 4 5 6 7	in his position, that was part of the misconduct, that he performed services outside of his authority or right in accordance with law. So if there was if there was	3 4 5 6 7		other searches in relation to politicians who are accused of not living in the district. And then it the questions took a little bit of a turn towards that that wasn't a primary basis of the warrant.
3 4 5 6 7 8	in his position, that was part of the misconduct, that he performed services outside of his authority or right in accordance with law. So if there was if there was evidence of those things, that was part of	3 4 5 6 7 8	A	other searches in relation to politicians who are accused of not living in the district. And then it the questions took a little bit of a turn towards that that wasn't a primary basis of the warrant. I recall.
3 4 5 6 7 8 9	in his position, that was part of the misconduct, that he performed services outside of his authority or right in accordance with law. So if there was if there was evidence of those things, that was part of the misconduct. So we were searching for	3 4 5 6 7 8 9	A	other searches in relation to politicians who are accused of not living in the district. And then it the questions took a little bit of a turn towards that that wasn't a primary basis of the warrant. I recall. Okay. Let's just go back to that question.
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investigations that perhaps had a different 2 -- you know, that were about a number of 2 MR. OLSEN: Oh, because of that. 3 3 Okay. Let me rephrase it because we've got things, but one strand or tangent of that 4 investigation was that the person didn't 4 an objection, so I want to make sure that I have something that can stand up later. 5 live there. I don't know if that's what you 5 6 were answering or not. 6 BY MR. OLSEN: 7 I'm trying to ask, in your 7 What instructions did you give, if any, at 8 recollection have you ever performed an 8 the pre-op meeting to make sure that Special investigation of a politician who has 9 Agents Anderson, Windorff, and Beine and 9 alleged to not be living in their district 10 their teams searched all of the areas that 10 with no other related allegations that were 11 they needed to to find the evidence that 11 12 the primary basis? 12 you've described was being searched for? 13 Yeah. I was involved in an investigation 13 Α I didn't exclude areas. I explained the 14 where it was alleged a district attorney 14 scopes of the warrant and areas that 15 didn't live in the county in which they 15 Mr. Wolff alleged to have authority over or served. I believe I was involved in a a connection with. So it was those three 16 16 school board investigation where the school locations. It was his vehicles. It was 17 17 18 board member may not have been living in the 18 outbuildings. It was his person. And I 19 jurisdiction. So I have done those kinds of 19 explained it was more of the areas that were 20 investigations previously. Does that answer 20 included versus the areas that were excluded 21 because I didn't know what those would be. 21 what you were saying? 22 22 Q On approximately how many occasions? Those are -- excuse the pun, but that's a 23 Α Oh, boy. 23 game-time decision. I don't know what areas Less than ten? 24 were going to be out of bounds until you see 24 n I would say less than ten is fair. 25 them or decipher them. 25 Α 29 31 1 Q Okay. Could you narrow it down to less than So, for instance, when we were at the 2 five, or would you prefer to stay at less 2 -- at the business location, Lakeshore 3 than ten? It's your call. It's not that 3 Cleaners, I didn't necessarily realize or important. understand what the boundaries were inside 4 4 5 Α Yeah, I don't want to misstate and then you 5 that business. So once we understood this 6 was the area of the Legendary Lawn Care 6 try to jab me up on that. 7 Q What steps, if any, did you take at the 7 business or whatever that was, then we 8 pre-op meeting to make sure that Anderson, 8 communicated amongst ourselves that's off 9 Windorff -- that Agents Anderson, Windorff, limits. We're not going there. They're not and Beine and their teams searched all the 10 10 involved with this. 11 areas that they needed to search to find the 11 So -- and I had to rely on the records that you've described and no other 12 professional experience and training of 12 13 areas? 13 those individuals that I was very 14 Α And no other areas? 14 comfortable with to be able to make those 15 Right. Because they were not supposed to 15 choices and decisions. search areas that couldn't contain those 16 Q Okay. So as to 4801 North Richmond Avenue, 16 it would have -- one possibility would have 17 materials, but they were supposed to search 17 18 all the areas of those premises that could 18 been to not search the rooms of Herbert 19 Wolff and Mr. Karp once it became apparent 19 contain those materials. And I'm asking, 20 that those might be their rooms, but another what specific instructions you gave, if any, 20 21 to make sure that those officers -- those 21 decision might be that it needed to be 22 agents, those special agents and their 22 searched because perhaps there would be 23 teams, did what they needed to do? 23 evidence there of the type that you 24 MS. CARSON: I'm going to object as 24 described, correct? to form. Compound. Go ahead and answer if Those professionals did not know what rooms 25 25 A 30 32

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1		were in whose control. And that investment	1		colleagues. And I believe they searched in
2		property was in Mr. and Mrs. Wolff's name.	2		those areas. I don't know of any areas that
3		So there was indication that there were	3		were out of bounds or off limits to us at
4		other parties living there, but the whole	4		the properties that they owned.
5		thing had to be searched. And to this day,	5	Q	I am not suggesting that there were. I'm
6		there's still no proof of that I'm aware	6		saying that, for example, just to be
7		of. I have no impression. I have no	7		perfectly frank here, I don't think anybody
8		knowledge or information as to whose area	8		looked in the coffee grounds. And you're
9		was whose area. I have no idea.	9		saying that you found things like that there
10	Q	0kay.	10		before. So they had some discretion
11	Α	That investment property was owned by the	11	Α	Not there.
12		Wolffs. That's what I know. And through my	12	Q	No, no. In other searches you found
13		own human intelligence, I knew that there	13	_	incriminating evidence in you gave two
14		were two individuals that were staying	14		examples coffee grounds and kitty litter.
15		there. I have no idea where their where	15		You said it was drugs and a trove of other
16		their areas you know, where their private	16		first of all, whatever was ultimately
		areas were. I have no idea.	17		found, there was no intention of searching
17	0		18		,
18	Q	Okay. But the whole business property was			for any narcotics on 3/22/22 at the Wolff
19		also owned by the Wolffs, correct?	19		premises, correct?
20	A	Correct.	20	A	Never.
21	Q	But, nevertheless, you made the discretionary	21	Q	Right.
22		decision to determine what were the	22	Α	At either of the at any of the Wolff
23		boundaries of the Legendary Lawn Care and	23	_	premises.
24		not search that area on the day of,	24	Q	Fair. And, similarly, although obviously
25		game-time decision, correct?	25		there was an investigation into the things
		33			35
1	Α	Based on Mr. Wolff's input.	1		you've described, there was never any
2	Q	Okay. And, similarly, the officers who went	2		allegation of anything like child
3		to 4801 North Richmond Avenue I keep	3		pornography? That was an example you gave
4		saying officers. The special agents who	4		to illustrate a point about other cases,
5		went to 4801 North Richmond Avenue, they	5		correct?
6		were also based on their oath and all	6	Α	There's a point to illustrate that if
7		their training, they also had to make	7		someone is involved in criminal misconduct,
8		discretionary decisions about where to	8		they will go to great lengths to hide,
9		search and where not to search, correct?	9		withdraw evidence of what they're involved
10	Α	Yes.	10		with. So anything can be stored anywhere,
11	Q	And similarly, in Nichols Eric	11		you know, qualified with size, right? If
12	Α	Beine.	12		I'm going to a location and I'm looking for
13	Q	Beine thank you and his team had to	13		a car, I can't go in their kitchen drawers.
14		make discretionary decisions day of where to	14	Q	But in this case, the evidence could have
15		find this rather broad array of evidence	15		been on a little SD card? It could have
16		that could evidence all these items that	16		been on a thumb drive? So every place that
17		were the primary focus of the investigation	17		could have contained an item like that had
18		and then look there, correct?	18		to be searched, correct?
19	Α	Yes.	19	Α	Yes.
20	Q	Okay. And they also had to decide which	20	Q	I understand that at the different locations
21	~	areas not to look in, correct?	21	~	not every single area that could have
22	Α	I can't answer that. I	22		contained an SD card was searched. So I'm
23	Q		23		asking you if that is, in fact, the case,
24	Q A	Okay. I know what areas were included in the	24		that would have been up to the discretion of
	Λ		25		
25		warrant, and that was conveyed to my	23		each team leader and each special agent to
		34			36
		HENES & ASSOCIATES RE			NG SERVICE INC

```
figure out what was worth searching and what
2
        was not, correct?
        I don't know that -- I was told that all
3
    Α
4
        areas were searched.
        Okay. So if there was any area that could
5
    Q
        have contained information -- evidence of
6
7
        the type that you described as being -- that
8
        we've talked about again and again, so I'm
        not going to reiterate it -- all the areas
9
        that could have contained that should have
10
        been searched, right?
11
12
    Α
        I believe so, yes.
13
               MR. OLSEN: We're really almost done
14
        here. I'm going to ask Attorney Curtis for
15
        some input.
               MR. CURTIS: No. I think you pretty
16
        well covered it. You've asked more
17
        questions than I would have, and you got
18
19
         some good information.
               MR. OLSEN: All right. With that,
20
        that is the end of the deposition. Thank
21
22
        you very much.
               (Matter concluded at 11:00 a.m.)
23
24
25
                                                37
        STATE OF WISCONSIN
1
                                    SS.
        COUNTY OF WASHINGTON
2
3
4
             I, Jessica Koepsell, Certified Realtime
5
        Reporter and Notary Public in and for the
6
        State of Wisconsin, do hereby certify that
        the attached and foregoing deposition was
7
        taken via videoconference, on the 30th day
9
        of June, 2023, A.D., at 10:10 a.m.; that it
10
        was taken at the request of the adverse
        parties, upon oral interrogatories; that said JAY YERGES was sworn by me to tell the
11
12
13
        truth, the whole truth, and nothing but the
14
        truth relative to said cause.
15
             Dated this 11th day of July, 2023.
16
                  HENES & ASSOCIATES
17
                  COURT REPORTING SERVICE
18
19
                  Jessica Koepsell
20
                  Registered Professional Reporter
21
                  Certified Realtime Reporter
22
    My commission expires January 24, 2024.
23
24
25
                                                38
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